

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

v.

ROBERT T. BROCKMAN

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Criminal No. 4:21-cr-00009

REPLY IN SUPPORT OF AGREED PROTECTIVE ORDER

This Court has scheduled a hearing on June 29, 2021, to determine whether Mr. Brockman is competent to assist in his defense pursuant to 18 U.S.C. § 4241(b). Competency Hearing Scheduling Order at ¶ 1 (ECF No. 36). Mr. Brockman filed a Motion for Protective Order on February 22, 2021, seeking (1) for the government's experts to be designated; (2) for any forensic interview to be video and audio recorded; (3) for the presence of defense counsel during the court-ordered examination; and (4) for an agreement that the United States may not use statements made by Mr. Brockman during his examination outside of the Competency Proceeding. ECF No. 45.

On March 5, the United States responded in agreement with Mr. Brockman on the designation of experts, the recording of the forensic interviews, and the restriction on using Mr. Brockman's statements made during the examination. ECF No. 46. The only remaining dispute was on Mr. Brockman's request for the presence of counsel during the court-ordered examination.

In an effort to reach a compromise, and in order to spare the Court from having to rule on a contested motion, the defense has conferred with the United States and is

withdrawing its request for counsel to be present for the examination. The Defendant's Motion is now unopposed in all respects. Accordingly, the parties ask the Court to issue the attached Agreed Protective Order.

CONCLUSION

For the foregoing reasons, this Court should enter the attached Agreed Protective Order.

Dated: March 11, 2021

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Attorneys for Defendant

Robert T. Brockman

CERTIFICATE OF CONFERENCE

I certify that on the 10th day of March, 2021, I conferred with counsel for the United States, Cory Smith. Mr. Smith confirmed his agreement on the attached Agreed Protective Order.

/s/ Jason S. Varnado

Jason S. Varnado

CERTIFICATE OF SERVICE

I certify that on this 11th day of March, 2021, this document was served by electronic filing service on all counsel of record.

/s/ Jason S. Varnado

Jason S. Varnado